

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 14, 2000

D033993 People v. Hodge

Judgment affirmed. Benke, J.; We Concur: Work, Acting P.J., Huffman, J.

Court convened at 9:00 a.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices
Judith Haller and Terry O'Rourke
Deputy Clerk: D. E. Moore

D032815 People v. Dodson

D035020 Dodson v. Superior Court

Cause called on merits. Michael D. McGlinn, Esq. argued for appellant. Patti Ranger, Deputy Attorney General argued for respondent and submitted additional authorities. Mr. McGlinn replied for appellant. Cause submitted as to appeal only, D032815.

D033431 People v. King

Cause called on merits. Sharon L. Rhodes, Esq. argued for appellant. Matthew Mulford, Deputy Attorney General argued for respondent. Ms. Rhodes replied for appellant. Cause submitted.

Court recessed at 9:25 a.m. to change panel members. New panel members: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

D033085) Garabedian et al. v. Kolodny & Pressman et al.

D033634) Garabedian et al. v. Kolodny & Pressman et al.

Cause called on merits. Anthony A. Ferrigno, Esq. argued for appellant. Earl H. Maas III, Esq. argued for respondent, Miller, Faucher etc. Kevin V. DeSantis, Esq. argued for respondent, McCormick & Cannon. Cathleen Fitch, Esq. argued for respondent, Kolodny & Pressman. Mr. Ferrigno replied for appellant. Cause submitted.

Court recessed at 10:34 a.m. until 1:30 p.m.

D033653 People v. Stutz

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

Court convened at 1:30 p.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices
Judith Haller and Terry O'Rourke
Deputy Clerk: D. E. Moore

D034095) Gragnani et al. v. Wesbey, III

D034755) Gragnani et al. v. Wesbey, III

Cause called on merits. James E. Friehhofer, Esq. argued for appellant. William P. Daley, Esq. argued for respondent. Mr. Daley replied for appellant. Cause submitted.

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August 14, 2000 (Cont'd)

D033534 Economic Research Institute et al. v. Skane et al.

Cause called on merits. Thomas Scott Tanana, Esq. argued for appellant. No appearance by M. Bruce Skane, respondent in pro per. Cause submitted.

Court recessed at 2:05 p.m. until Tuesday, August 15, 2000 at 9 a.m.

D035865 In re Ferguson on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 15, 2000

D035815 In re Contreras on Habeas Corpus

The petition is denied.

D034171 People v. Baker

The sentence imposed for count 2, exhibiting a firearm in violation of section 417, subdivision (a)(2), is stayed under section 654. In all other respects, the judgment is affirmed. Huffman, Acting P.J.;

We Concur: Haller, J., McDonald, J.

D030749 Ranchwood Communities Limited Partnership et al. v. Johnson & Higgins of California

The judgment in favor of J&H is affirmed. The appeal by J&H from the judgment entered in favor of PEIC is dismissed. Nares, J.; We Concur: Work, Acting P.J., Benke, J.

D035840 In re Ashley G., a Juvenile

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D035986 In re Ashley G., a Juvenile

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D035918 Hughes et al. v. Superior Court of San Diego County/Torres

At the request of petitioners, the petition for writ of mandate is dismissed.

D035112 Hatcher v. State of California Department of Motor Vehicles

The judgment is affirmed. Haller, J.; We Concur: Work, Acting P.J., Huffman, J.

D034643 In re Sean M., a Juvenile

Appellant's request to take judicial notice is granted. The court takes judicial notice of the order re: custody of minor/adult, filed June 6, 2000. Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

D035673 San Diego Hotel Company LLC et al. v. Redevelopment Agency of the City of San Diego et al./San Diego Padres et al.

Upon written request filed by appellant, Coalition Advocating Redevelopment Excellence (CARE), the appeal is dismissed as to Coalition Advocating Redevelopment Excellence (CARE) and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). As provided by the attached settlement agreement, each party will bear their own costs on appeal. As appellant San Diego Hotel Company, LLC has filed its appellant's opening brief, all respondents' briefs will be due 30 days from the date of this order.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 15, 2000 (Continued)

Court convened at 9:00 a.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices
Judith Haller and Terry O'Rourke
Deputy Clerk: D. E. Moore

D033530 People v. Neiber

Cause called on merits. Michelle Rogers, Esq. argued for appellant. Matt Mulford, Deputy Attorney General argued for respondent. Cause submitted.

D033773 People v. Sandez

Cause called on merits. Megan A. Richmond, Esq. argued for appellant. Barry Carlton, Deputy Attorney General argued for respondent. Cause submitted.

D034076 City of Vista v. Robert Thomas Securities, Inc.

Cause called on merits. Scott L. Metzger, Esq. argued for appellant. Joel C. Estes, Esq. argued for respondent. Mr. Metzger replied for appellant. Cause submitted.

Court recessed at 10 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices
Judith Haller and Terry O'Rourke
Deputy Clerk: D. E. Moore

D032858 People v. Buck

Cause called on merits. Alisa A. Shorago, Esq. argued for appellant. David Delgado-Rucci, Deputy General argued for respondent. Ms. Shorago replied for appellant. Cause submitted.

D033292 People v. Whitmore

Cause called on merits. Panteha G. Ebrahimi, Esq. argued for appellant. Marilyn George, Deputy Attorney General argued for respondent. Ms. Ebrahimi replied for appellant. Cause submitted.

D030928 Hill v. Teledyne Industries, Inc.

Cause called on merits. Chris Thompson, Esq. argued for appellant. Amy T. Wintersheimer, Esq. argued for respondent. Mr. Thompson replied for appellant. Cause submitted.

D031258 Osborn v. City of Imperial Beach

Cause called on merits. Gordon Huckins, Esq. argued for appellant. Lynn R. McDougal, Esq. argued for appellant. Mr. Huckins replied for appellant. Cause submitted.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 15, 2000 (Continued)

D034053 Small v. San Diego Housing Commission

Cause called on merits. Alexis Kosygin Garcia, Esq. argued for appellant. Suzanne R. Varco, Esq. argued for respondent. Mr. Garcia replied for appellant. Cause submitted.

Court recessed at 3 p.m. until Wednesday, August 23, 2000 at 9:00 a.m.

D035971 In re Conservatorship of the Person and Estate of Waters

Pursuant to California Rules of Court, rule 10(c), the appeal filed May 30, 2000, is dismissed for appellants' failure to timely designate the record.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 16, 2000

D036157 Baumer v. Superior Court of San Diego County/People

The petition is denied.

D035098 Figman v. Gourley

The judgment is affirmed. Costs on appeal are awarded to the DMV. McIntyre, J.;
We Concur: Huffman, Acting P.J., Haller, J.

D035097 In re Myiesha C., a Juvenile

Appellant's Application for Rehearing, received August 15, 2000, is denied as untimely.

D033903 People v. Stevens

D034372 In re Stevens on Habeas Corpus

The petition for writ of habeas corpus, *In re Stevens*, D034372, is consolidated with the appeal *People v. Stevens*, D033903, for disposition.

D033903 People v. Stevens

D034372 In re Stevens on Habeas Corpus

(Consolidated.) Judgment affirmed. Petition denied. O'Rourke, J.; We Concur: Work, Acting P.J., Huffman, J.

D034166 People v. Simms

The true findings on the alleged serious felony prior conviction and the serious/violent felony prior conviction arising from the 1982 conviction are reversed. The trial court is directed to strike such prior convictions and to reduce the sentence imposed by five years. The court is directed to prepare a modified abstract of judgment reflecting the change and forward that abstract to the Department of Corrections. In all other respects the judgment is affirmed. Huffman, J.; We Concur: Work, J., O'Rourke, J.

D035616 Barbara A. v. San Diego County Superior Court/San Diego County Health and Human Services Agency

The petition is denied. McDonald, J.; We Concur: Work, Acting P.J., O'Rourke, J.

D033065 People v. Smith

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D036110 People v. Richmond

In that the certificate of probable cause was denied appellant may not challenge his plea. As part of his plea, he waived appeal of any suppression motion or sentencing issues. The appeal is dismissed as there are no appealable issues.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 17, 2000

D034559 In re Marriage of Cirello

Order affirmed. Respondent to recover her costs of appeal. Benke, J.; We Concur: Work, Acting P.J., Nares, J.

D036170 In re Baumer on Habeas Corpus

The petition is denied.

D034757 People v. Fountain

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 18, 2000

D035464 Kimberly H. v. San Diego County Superior Court/San Diego County Health and Human Services Agency.

The opinion filed July 28, 2000, is ordered certified for publication.

D033759 Hendrix v. Vargas

The request for publication is denied.